

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
Against:

ROCEEH R. BITANGA
182 Presidential Blvd.
Oswego, IL 60543.

Registered Nurse License No. 598224

Respondent.

Case No. 2007-90

OAH No. L-2006110456

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing as its Decision in this matter.

This Decision shall become effective on November 22, 2007.

It is so ORDERED October 22, 2007.

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FOR THE BOARD OF REGISTERED NURSING

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 SCOTT J. HARRIS, State Bar No. 238437
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2554
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the First Amended Accusation
Against:

12 ROCEEH R. BITANGA
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15 Registered Nurse License No. 598224

16 Respondent.

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**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the
19 public interest and the responsibility of the Board of Registered Nursing, the parties hereby agree
20 to the following Stipulated Settlement and Disciplinary Order which will be submitted to the
21 Board for approval and adoption as the final disposition of the First Amended Accusation.

22 PARTIES

23 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
24 the Board of Registered Nursing (Board). She brought this action solely in her official capacity
25 and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
26 California, by Scott J. Harris, Deputy Attorney General.

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2. Respondent Roceeh Bitanga is represented in this proceeding by attorney Edgardo Gonzalez, whose address is 1300 Clay Street, Suite 600 Oakland, California 94612.

3. On or about April 16, 2002, the Board issued Registered Nurse License No. 598224 to Respondent. The registered nurse license will expire on January 31, 2008, unless renewed.

JURISDICTION

4. First Amended Accusation No. 2007-90 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on July 10, 2007. Respondent timely filed her Notice of Defense contesting the First Amended Accusation. A copy of First Amended Accusation No. 2007-90 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in First Amended Accusation No. 2007-90. Respondent has also carefully read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in First Amended Accusation No. 2007-90.

9. Respondent agrees that her Registered Nurse License is subject to discipline and to be bound by Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw this agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, and except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

DISCIPLINARY ORDER

In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

IT IS HEREBY ORDERED that Registered Nurse License No. 598224 issued to Respondent Roceeh Bitanga is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other

1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
2 and enforceable to the fullest extent permitted by law.

3 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
4 A full and detailed account of any and all violations of law shall be reported by Respondent to
5 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
6 compliance with this condition, Respondent shall submit completed fingerprint forms and
7 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
8 as part of the licensure application process.

9 **Criminal Court Orders:** If Respondent is under criminal court orders, including
10 probation or parole, and the order is violated, this shall be deemed a violation of these probation
11 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

12 2. **Comply with the Board's Probation Program.** Respondent shall fully
13 comply with the conditions of the Probation Program established by the Board and cooperate
14 with representatives of the Board in its monitoring and investigation of the Respondent's
15 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
16 within no more than 15 days of any address change and shall at all times maintain an active,
17 current license status with the Board, including during any period of suspension.

18 Upon successful completion of probation, Respondent's license shall be fully
19 restored.

20 3. **Report in Person.** Respondent, during the period of probation, shall
21 appear in person at interviews/meetings as directed by the Board or its designated
22 representatives.

23 4. **Residency, Practice, or Licensure Outside of State.** Periods of
24 residency or practice as a registered nurse outside of California shall not apply toward a reduction
25 of this probation time period. Respondent's probation is tolled, if and when she resides outside
26 of California. Respondent must provide written notice to the Board within 15 days of any change
27 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
28 returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

1 7. **Employment Approval and Reporting Requirements.** Respondent
2 shall obtain prior approval from the Board before commencing or continuing any employment,
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within
9 seventy-two (72) hours after she obtains any nursing or other health care related employment.

10 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
11 terminated or separated, regardless of cause, from any nursing, or other health care related
12 employment with a full explanation of the circumstances surrounding the termination or
13 separation.

14 8. **Supervision.** Respondent shall obtain prior approval from the Board
15 regarding Respondent's level of supervision and/or collaboration before commencing or
16 continuing any employment as a registered nurse, or education and training that includes patient
17 care.

18 Respondent shall practice only under the direct supervision of a registered nurse
19 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
20 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
21 are approved.

22 Respondent's level of supervision and/or collaboration may include, but is not
23 limited to the following:

24 (a) Maximum - The individual providing supervision and/or collaboration is
25 present in the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in
27 the patient care unit or in any other work setting at least half the hours Respondent works.

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1 (c) Minimum - The individual providing supervision and/or collaboration has
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health
4 care setting, the individual providing supervision and/or collaboration shall have person-to-
5 person communication with Respondent as required by the Board each work day. Respondent
6 shall maintain telephone or other telecommunication contact with the individual providing
7 supervision and/or collaboration as required by the Board during each work day. The individual
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall not work for a nurse's
11 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
12 traveling nurse, or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse
14 unless the registered nursing supervision and other protections for home visits have been
15 approved by the Board. Respondent shall not work in any other registered nursing occupation
16 where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered
18 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the
25 Board may request documentation to determine whether there should be restrictions on the hours
26 of work.

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1 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
2 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
3 than six months prior to the end of her probationary term.

4 Respondent shall obtain prior approval from the Board before enrolling in the
5 course(s). Respondent shall submit to the Board the original transcripts or certificates of
6 completion for the above required course(s). The Board shall return the original documents to
7 Respondent after photocopying them for its records.

8 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
9 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$3,500.00. Respondent shall be permitted to pay these costs in a payment plan
11 approved by the Board, with payments to be completed no later than three months prior to the
12 end of the probation term.

13 If Respondent has not complied with this condition during the probationary term,
14 and Respondent has presented sufficient documentation of her good faith efforts to comply with
15 this condition, and if no other conditions have been violated, the Board, in its discretion, may
16 grant an extension of Respondent's probation period up to one year without further hearing in
17 order to comply with this condition. During the one year extension, all original conditions of
18 probation will apply.

19 12. **Violation of Probation.** If Respondent violates the conditions of her
20 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
21 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
22 license.

23 If during the period of probation, an accusation or petition to revoke probation has
24 been filed against Respondent's license or the Attorney General's Office has been requested to
25 prepare an accusation or petition to revoke probation against Respondent's license, the
26 probationary period shall automatically be extended and shall not expire until the accusation or
27 petition has been acted upon by the Board.

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1 13. **License Surrender.** During Respondent's term of probation, if she ceases
2 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
3 probation, Respondent may surrender her license to the Board. The Board reserves the right to
4 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
5 take any other action deemed appropriate and reasonable under the circumstances, without
6 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
7 will no longer be subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and
9 shall become a part of Respondent's license history with the Board. A registered nurse whose
10 license has been surrendered may petition the Board for reinstatement no sooner than the
11 following minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any
13 reason other than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15 14. **Mental Health Examination.** Respondent shall, within 45 days of the
16 effective date of this Decision, have a mental health examination including psychological testing
17 as appropriate to determine her capability to perform the duties of a registered nurse. The
18 examination will be performed by a psychiatrist, psychologist or other licensed mental health
19 practitioner approved by the Board. The examining mental health practitioner will submit a
20 written report of that assessment and recommendations to the Board. All costs are the
21 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
22 result of the mental health examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse,
24 the licensed mental health care practitioner making this determination shall immediately notify
25 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
27 practice and may not resume practice until notified by the Board. During this period of
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

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ATTY GENERAL OFFICE

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1 is required, until the Board has notified Respondent that a mental health determination permits
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this
3 probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within
5 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
6 practice until notified by the Board. This period of suspension will not apply to the reduction of
7 this probationary time period. The Board may waive or postpone this suspension only if
8 significant, documented evidence of mitigation is provided. Such evidence must establish good
9 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
10 provided. Only one such waiver or extension may be permitted.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and
13 have fully discussed it with my attorney, Edgardo Gonzalez. I understand the stipulation and the
14 effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and
15 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the Board of Registered Nursing.

17 DATED: 08/13/07

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20 ROCEEH BITANGA
Respondent

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22 I have read and fully discussed with Respondent Rocceeh Bitganga the terms and
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
24 Order. I approve its form and content.

25 DATED: 8-10-07

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27 EDUARDO GONZALEZ
28 Attorney for Respondent

1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Board of Registered Nursing.

4
5 DATED: 8/10/07.

6 EDMUND G. BROWN JR., Attorney General
7 of the State of California

8 GLORIA A. BARRIOS
9 Supervising Deputy Attorney General

10 
11 SCOTT J. HARRIS

12 Deputy Attorney General

13 Attorneys for Complainant

14 DOJ Matter ID: LA2006600278
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Exhibit A

First Amended Accusation No. 2007-90

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 SCOTT J. HARRIS, State Bar No. 238437
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2554
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-90

13 ROCEEH R. BITANGA
182 Presidential Blvd.
14 Oswego, IL 60543.

**FIRST AMENDED
ACCUSATION**

15 Registered Nurse License No. 598224

16 Respondent.
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18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 (Board), Department of Consumer Affairs.

23 2. On or about April 16, 2002, the Board issued Registered Nurse License
24 No. 598224 to Rocee R. Bitanga (Respondent). The registered nurse license will expire on
25 January 31, 2008, unless renewed.

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3. This Accusation is brought before the Board under the authority of the

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1 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
2 Penal Code.”

3 7. California Code of Regulations, title 16, section 1443.5 states:

4 “A registered nurse shall be considered to be competent when he/she
5 consistently demonstrates the ability to transfer scientific knowledge from social, biological and
6 physical sciences in applying the nursing process, as follows:

7 (1) Formulates a nursing diagnosis through observation of the client's physical
8 condition and behavior, and through interpretation of information obtained from the client and
9 others, including the health team.

10 (2) Formulates a care plan, in collaboration with the client, which ensures that
11 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
12 protection, and for disease prevention and restorative measures.

13 (3) Performs skills essential to the kind of nursing action to be taken, explains the
14 health treatment to the client and family and teaches the client and family how to care for the
15 client's health needs.

16 (4) Delegates tasks to subordinates based on the legal scopes of practice of the
17 subordinates and on the preparation and capability needed in the tasks to be delegated, and
18 effectively supervises nursing care being given by subordinates.

19 (5) Evaluates the effectiveness of the care plan through observation of the client's
20 physical condition and behavior, signs and symptoms of illness, and reactions to treatment and
21 through communication with the client and health team members, and modifies the plan as
22 needed.

23 (6) Acts as the client's advocate, as circumstances require, by initiating action to
24 improve health care or to change decisions or activities which are against the interests or wishes
25 of the client, and by giving the client the opportunity to make informed decisions about health
26 care before it is provided.”

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1 8. California Code of Regulations, title 16, section 1444, states:

2 “A conviction or act shall be considered to be substantially related to the
3 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
4 present or potential unfitness of a registered nurse to practice in a manner consistent with the
5 public health, safety, or welfare.”

6 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
7 request the administrative law judge to direct a licensee found to have committed a violation or
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
9 and enforcement of the case.

10 FIRST CAUSE FOR DISCIPLINE

11 (Conviction of Substantially Related Crimes)

12 10. Respondent is subject to disciplinary action under sections 2761,
13 subdivision (f) and 490 of the Code as defined in California Code of Regulation, title 16, section
14 1444, in that Respondent was convicted of a substantially related crime. The circumstances are
15 as follows:

16 a. On or about October 25, 2005, Respondent was convicted on a plea of
17 nolo contendere to one count of violating Penal Code section 422, a misdemeanor (making a
18 criminal threat), and one count of violating Penal Code section 245 (a)(1), a misdemeanor
19 (assault with a deadly weapon likely to produce great bodily injury), in the Superior Court of the
20 State of California, County of Los Angeles, Glendale Judicial District, Case No. GA063314
21 entitled *The People of the State of California v. Roceeh Rivera Bitanga*.

22 b. The circumstances surrounding the conviction are that on or about
23 October 13, 2005, Respondent entered a nail salon demanding services. When the nail salon
24 denied Respondent’s request for services, Respondent became upset and attacked a
25 patron/victim. The victim left the salon and entered her vehicle. At that time, the Respondent
26 threw an orange carton at the victim’s vehicle, ran behind the vehicle, pulled a gun, and
27 threatened to kill the victim. After a brief skirmish, the Glendale Police officers were called and
28 placed the Respondent under arrest.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 13. Respondent is subject to disciplinary action under Code section 2761,
4 subdivision (a), in that Respondent committed unprofessional conduct as a registered nurse, as
5 more fully discussed in paragraphs 10 through 12, above.

6 PRAYER

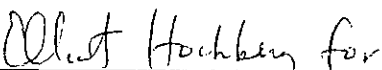
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License No. 598224, issued to
10 Roceeh R. Bitanga.

11 2. Ordering Roceeh R. Bitanga to pay the Board of Registered Nursing the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: 7/6/07

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17 
18 RUTH ANN TERRY, M.P.H., R.N.
19 Executive Officer
20 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

21 LA2006600278
22 60229377.wpd
23 CML/ADM (08/30/2006)
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